

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard G. MOORE et al.	Examiner: Havan, T.
Application No.: 09/873,001	Group Art Unit: 3624
Filed: June 1, 2001	
Customer No.: 25537	
Attorney Docket No.: CDR00007	
Client Docket No.: 09710-1297	

For: SYSTEM AND METHOD FOR PROVIDING PREPAID SERVICES VIA AN
INTERNET PROTOCOL NETWORK SYSTEM

Commissioner for Patents
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants respectfully request a pre-appeal brief review be made of the present application for at the least the following clear errors.

I. THE OFFICE ACTION OVERLOOKS THE FEATURE OF “A PLURALITY OF PREPAID SERVICES OFFERED BY A PLURALITY OF PREPAID SERVICE PROVIDERS.”

For example, claim 29 recites “a web portal configured to **present information relating to a plurality of prepaid services offered by a plurality of prepaid service providers.**” In the Advisory Action, the Examiner now cites a new passage within *O'Neil et al.* (col. 12, lines 34-65) for a supposed teaching of “a plurality of **prepaid** service providers.” However, the passage merely describes the coordination among Cellular Mobile Radiotelephone (CMR) service providers to support a roaming service. That is, other service providers are utilized to support a

single prepaid service. The cited passage, col. 12, lines 34-65, states the following (Emphasis Added):

The conventional CMR system as described above is configured to quickly process call origination and autonomous registration messages to facilitate a fluid movement of CMRs throughout a number of cooperating CMR systems operated by different CMR service providers. In sum, the combined CMR system has the capability to track a large number of CMRs as they move about, and to provide continuous service to these CMRs as home-system subscribers and as roamers. **The various CMR service providers validate and invalidate the CMR units operated by their subscribers and may also specify customer service profile information to impose service limitations for their subscribers.** Validation and customer service profile information is transmitted to other CMR service providers so that **they may provide service to a roamer in accordance with the customer service profile established by the CMR's home-system service provider.**

Although the conventional CMR system described above is configured to transmit customer service profile information among CMR service providers, the system is not configured to alter the customer service profile in real time. That is, the customer service profile for a particular CMR cannot be altered while service is being provided to a particular CMR, and in response to considerations based on the service that is being provided. For example, a particular CMR unit may be invalidated for non-payment, and service will be subsequently denied to the CMR. But the CMR cannot be automatically invalidated in response to a condition, such as exhaustion of a credit limit, that occurs while the CMR is in the process of conducting a communication.

Based on the above passage, it appears that the Examiner has ignored the claim term “prepaid” in prepaid service providers. It is improper to ignore qualifiers in the claim terms such as “prepaid” See *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14 (Fed. Cir. 2000) (holding that the district court “cannot read the qualifier ‘help’ out the definition of ‘help access window’” of claim 2). This passage supports Applicants’ argument that only a single prepaid service is taught by *O’Neil et al.*, in that these CMR services providers operate to provide one, common telephone service.

The above analysis is consistent with the fact that *O'Neil et al.* does not provide support for **“a plurality of prepaid services,”** much less **“a plurality of prepaid services offered by a plurality of prepaid service providers.”**

To satisfy the feature of **“a plurality of prepaid services,”** the Examiner, on page 3 of the Final Office Action, refers to col. 1: 17-18, col. 9: 29-41. These passages state the following (Emphasis Added):

Telephone service providers, many of which serve millions of subscribers, therefore accrue enormous accounts receivable. (col. 1: 17-18)

As noted earlier, **a card holder may deposit the value of a prepaid telephone service card in a subscriber's account by inputting appropriate validation information into a prepaid telephone service card activation unit**, such as a dial-in voice response unit or an Internet station. In a similar fashion, a subscriber who requires additional credit for a period of time may increase the credit limit for an account by accessing a dial-in voice response unit or an Internet station and providing appropriate verification information, such as a personal identification number. The subscriber may also use the dial-in voice response unit or Internet station to authorize an alternate payment source, such as a credit or debit bank account, to pay costs associated with future or past telephone services. (col. 9: 29-41)

This passage only mentions a single prepaid service, that of a prepaid service card. There is no discussion of any other prepaid service.

II. THE OFFICE ACTION OVERLOOKS THE FEATURE OF “A WEB PORTAL CONFIGURED TO ... RECEIVE A SELECTION OF ONE OF THE PREPAID SERVICES.”

Claim 29 further recites “a web portal configured to ... receive a selection of one of the prepaid services input by the user.” There is no capability for the *O'Neil et al.* system to provide “selection of one of the prepaid services,” as there is only a single prepaid service disclosed by *O'Neil et al.*

The Examiner explains, per the Advisory Action, that “a prepaid telephone service card may be packaged for sale with a new cellular telephone to encourage the purchaser to select the issuer of the card as the purchaser’s cellular telephone service provider,” citing col. 2: 54-67 and col. 10: 40-56. These passages, in pertinent, disclose the following (Emphasis Added):

Prepaid cellular telephone service cards provide the card issuers with a number of advantages. For example, a prepaid telephone service card may be packaged for sale with a new cellular telephone to encourage the purchaser to **select the issuer of the card** as the purchaser's cellular telephone service provider. Alternatively, a goods or service provider could purchase a large number of prepaid telephone service cards having relatively small account balances and have the cards imprinted with advertising material for distribution to potential subscribers, such as patrons at a convention. There are many other potentially desirable uses for prepaid telephone service cards. A teenager away from home, for instance, could be given a prepaid telephone service card having a telephone service allowance with a fixed value. Similarly, a hotel or resort guest could be issued a cellular telephone with a prepaid account balance for use while staying at the hotel or resort as a guest. (col. 2: 54-67)

First, it is noted that the selection that is being made is that of an issuer, not a “prepaid service.” Secondly, this selection process (which is described in the Background of the Invention section) pertains to a system that *O’Neil et al.* describes as conventional, and thus, does not relate to the Internet station, which the Examiner equates to the claimed web portal. Therefore, there can be no disclosure of any capability for the Internet station to **select** from a plurality of prepaid services. This is understandable, as the *O’Neil et al.* system is configured to provide a single prepaid service, and thus, does not require a user selecting the one service.

III. THE OFFICE ACTION OVERLOOKS THE FEATURE OF “WHEREIN THE WEB PORTAL IS CONFIGURED TO PROVIDE THE USERS WITH REAL-TIME MANAGEMENT OF ACCOUNTS FOR THE PREPAID SERVICES.”

Claim 33, for example, recites “wherein the **web portal** is configured to **provide the users with real-time management of accounts for the prepaid services.**” To satisfy this

feature, the Examiner refers to col. 6: 11-28 of *O'Neil et al.* (Final Office Action, page 4). The cited passage, in pertinent part, states "The billing system includes a real-time monitoring unit for monitoring the in-process call detail record corresponding to the communication." At best, this passage discloses that the "billing system," not the Internet station (i.e., activation unit 68) of the *O'Neil et al.* system provides real-time monitoring. Therefore, there can be no teaching of a **"web portal is configured to provide the users with real-time management of accounts for the prepaid services."**

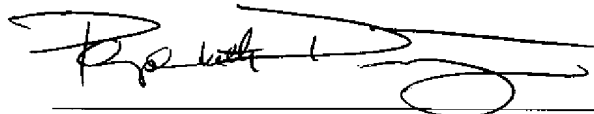
III. CONCLUSION

For the foregoing reasons, the Appeal Brief Panel is respectfully requested to withdraw the rejection of the present application in light of these clear errors and allow the pending claims.

Respectfully Submitted,

DITTHAVONG & MORI, P.C.

11/20/06
Date



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